

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

SIERRA CLUB,)
)
Plaintiff,)
)
vs.)
) Cause No. 3:11-cv-0116-wmc
LISA JACKSON, Administrator of the)
United States Environmental Protection)
Agency,)
Defendant.)

STIPULATION OF DISMISSAL WITHOUT PREJUDICE

Plaintiff, Sierra Club, and Defendant, Administrator Lisa Jackson, by and through the undersigned counsel, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), HEREBY STIPULATE AND AGREE to the dismissal of this action without prejudice and without costs to either party.

This dismissal is in anticipation of a resolution between the parties and other interested entities expected to be filed separately under a different caption. *See Sierra Club v. Wisconsin Power and Light Co.*, Case 3:10-cv-511-wmc, Dkt. # 61, Settlement Framework (filed under seal) at p. 8 (discussing impacts of that settlement on this case).

Respectfully submitted this 14th day of February, 2013.

BY THE PLAINTIFF:

MCGILLIVRAY WESTERBERG & BENDER LLC

/s/ David C. Bender

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CERTIFICATE OF SERVICE

I hereby certify that on this day, I have electronically filed the foregoing with the Clerk of Court using the CM/ECF system that will send notification of this filing automatically to all counsel of record, including:

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/s/ David C. Bender